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**APR 15 2004**

**OFFICE OF PETITIONS**

In re Application of  
Kobayashi, et al.  
Application No. 10/674,051  
Filed: September 30, 2003  
Attorney Docket No. 500.38759VV2

DECISION GRANTING PETITION

This is a decision on the petition filed February 23, 2004, titled "Petition under 37 CFR 1.181".  
Petitioner is advised that the petition will be treated as request to vacate the Notice of Omitted Items  
mailed December 23, 2003, in the above-cited application.

The petition is **granted**.

On September 30, 2003, the above-identified application was filed. However, on December 23, 2003, the  
Office of Initial Patent Examination mailed a "Notice of omitted Items in Nonprovisional Application,"  
stating that application had been accorded a filing date of September 30, 2003, and advising applicant that  
page 78 of the specification appeared to have been omitted. The notice also set a two month period for  
reply.

In response, on February 23, 2004, applicant filed the present petition and a \$130.00 petition fee, a copy  
of page 78 of specification, and an Office date-stamped postcard receipt acknowledging receipt of 199  
pages of the specification on September 30, 2003, among other items.

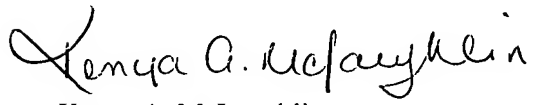
Upon review of the record, page 78 of the specification was not located among the application papers.  
However, the evidence is convincing that the application papers deposited September 30, 2003, included  
page 78, which was subsequently misplaced by the Office. Therefore, the application, including page 78  
of the specification, was complete on filing and entitled to the presently accorded filing date of  
September 30, 2003.

Accordingly, the petition is granted; the language in the Notice relative to the omitted figures is vacated,  
accordingly.

The application file is being returned to the Office of Initial Patent Examination for further processing  
with the presently accorded filing date of September 30, 2003, using the 199 pages of the specification  
filed on September 30, 2003.

The petition fee of \$130.00 will be refunded, in due course.

Any inquiries related to this decision should be directed to the undersigned at (703)305-0010

A handwritten signature in cursive script that reads "Kenya A. McLaughlin". The signature is written in black ink and is positioned above the printed name.

Kenya A. McLaughlin  
Petitions Attorney  
Office of Petitions